

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

WILLIAMSON PENN LITTLE,

Plaintiff

V.

TIERRA LAYNE BAER-WARND AHL, an individual; WESLEY DAY, M.D., an individual,

## Defendants

Case No.: 2:20-cv-01964-APG-NJK

## Order Denying Motion to Strike

[ECF No. 18]

The defendants filed a motion to dismiss this case. ECF No. 8. Plaintiff Williamson Penn Little takes offense to the statement in the motion that Little has been convicted of a felony.

Little thus moves to strike the motion to dismiss in its entirety. ECF No. 18.

I have discretion to strike any “immaterial, impertinent, or scandalous matter.” Fed. R. Civ. P. 12(f). Motions to strike are generally disfavored, and they are primarily used to save the parties from litigating over spurious issues by removing them from the case before trial. *Roadhouse v. Las Vegas Metro. Police Dep’t*, 290 F.R.D. 535, 543 (D. Nev. 2013) (citations omitted).

The defendants' reference to Little's conviction is not spurious enough to warrant striking, so I deny the motion. However, there was no need to include this information in the motion to dismiss. The conviction has nothing to do with whether the complaint is sufficiently pleaded. It appears the defendants referenced it simply to cast Little in a bad light. But credibility determinations have no place in deciding a motion to dismiss. I therefore disregard that information because it is irrelevant to the motion.

1 This case involves emotional issues and affairs of the heart. I caution all parties that this  
2 lawsuit is not a proper vehicle to seek vengeance. If the parties continue to sling mud with *ad*  
3 *hominem* attacks and allegations that are not relevant to the issues, I will enter sanctions.

4 Finally, it appears that the defendants may not have properly served Little with the  
5 motion to dismiss because he did not have access to the court's electronic filing system at the  
6 time the motion was filed. *See* ECF No. 22 at 4. That may account for the reason Little did not  
7 file an opposition to that motion. I will extend the deadline for him to file an opposition to the  
8 motion to dismiss. If he wishes to oppose the motion to dismiss, Little must file an opposition by  
9 December 29, 2020.

10 DATED this 17th day of December, 2020.

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12 ANDREW P. GORDON  
13 UNITED STATES DISTRICT JUDGE  
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